

REFERENCE TITLE: traffic complaints; notices of violation

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2070

Introduced by
Representatives Biggs: Burges

AN ACT

AMENDING SECTIONS 28-1557 AND 41-1722, ARIZONA REVISED STATUTES; RELATING TO TRAFFIC VIOLATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 28-1557, Arizona Revised Statutes, is amended to
3 read:

28-1557. Traffic complaint form

5 A. Each traffic enforcement agency in this state shall use a uniform
6 traffic ticket and complaint form for traffic complaints pursuant to the
7 rules of procedure in traffic cases adopted by the supreme court of Arizona
8 that ~~are~~ IS issued in books meeting the requirements of this article.

B. Each traffic complaint shall contain the following notice:

10 1. If you fail to appear as directed in this complaint on a criminal
11 charge, a warrant will be issued for your arrest and your license will be
12 suspended.

13 2. If you fail to appear as directed in this complaint on a civil
14 traffic violation:

- (a) A default judgment will be entered against you.
 - (b) A civil penalty will be imposed.

17 (c) Your license or nonresident operating privilege will be suspended
18 until the civil penalty is paid.

19 C. EACH TRAFFIC COMPLAINT ISSUED AS A RESULT OF A PHOTO ENFORCEMENT
20 SYSTEM SHALL CONTAIN A NOTICE THAT CLEARLY AND CONSPICUOUSLY STATES IN AT
21 LEAST FOURTEEN POINT BOLD TYPE THAT IF THE RECIPIENT OF THE COMPLAINT IS NOT
22 THE DRIVER IN THE PHOTO, THE RECIPIENT MAY IDENTIFY THE DRIVER IN THE PHOTO
23 BUT IS NOT REQUIRED TO IDENTIFY THE DRIVER IN THE PHOTO.

24 **C.** D. The chief administrative officer of each traffic enforcement
25 agency:

1. Is responsible for the issuance of the books.
 2. Shall maintain a record of every book and each complaint contained
in the book issued to individual members of the traffic enforcement agency.
 3. Shall require and retain a receipt for each issued book.

Sec. 2. Section 41-1722, Arizona Revised Statutes, is amended to read:

41-1722. State photo enforcement system; penalties; fund; notice of violation

33 A. Notwithstanding any other law, the department shall enter into a
34 contract or contracts with a private vendor or vendors pursuant to chapter 23
35 of this title to establish a state photo enforcement system consisting of
36 cameras placed throughout this state as determined by the director to enforce
37 the provisions of title 28, chapter 3, articles 3 and 6 relating to vehicle
38 traffic and speed.

39 B. Notwithstanding any other law, the civil penalty or fine for a
40 citation or a notice of violation issued pursuant to this section is one
41 hundred sixty-five dollars and is not subject to any surcharge except the
42 surcharge imposed by section 16-954. State photo enforcement citations shall
43 not be included in judicial productivity credit calculations for fiscal year
44 2008-2009.

1 C. The photo enforcement fund is established consisting of monies
2 received from citations or notices of violation issued pursuant to this
3 section. The director shall administer the fund. Monies in the fund are
4 subject to legislative appropriation and are appropriated to the department
5 for administrative and personnel costs of the state photo enforcement system.
6 Monies remaining in the fund in excess of two hundred fifty thousand dollars
7 at the end of each calendar quarter shall be deposited, pursuant to sections
8 35-146 and 35-147, in the state general fund.

9 D. Notwithstanding any other law, if a person is found responsible for
10 a civil traffic violation or a notice of violation pursuant to a citation
11 issued pursuant to this section, the department of transportation shall not
12 consider the violation for the purpose of determining whether the person's
13 driver license should be suspended or revoked. A court shall not transmit
14 abstracts of records of these violations to the department of transportation.

15 E. A NOTICE OF VIOLATION ISSUED BY A PHOTO ENFORCEMENT SYSTEM PURSUANT
16 TO THIS SECTION SHALL CLEARLY AND CONSPICUOUSLY STATE THE FOLLOWING
17 INFORMATION IN AT LEAST FOURTEEN POINT BOLD TYPE:

- 18 1. THE NOTICE IS NOT A CIVIL TRAFFIC CITATION.
- 19 2. IF THE RECIPIENT OF THE NOTICE IS NOT THE DRIVER IN THE PHOTO, THE
20 RECIPIENT MAY IDENTIFY THE DRIVER IN THE PHOTO BUT IS NOT REQUIRED TO
21 IDENTIFY THE DRIVER IN THE PHOTO.